

SUBCHAPTER G—THE ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES, FOSTER CARE MAINTENANCE PAYMENTS, ADOPTION ASSISTANCE, CHILD WELFARE SERVICES

PART 1355—GENERAL

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AUTHORITY: 42 U.S.C. 620 et seq., 42 U.S.C. 670 et seq.; 42 U.S.C. 1302.

§ 1355.10 Scope.

Part 1355 applies to State programs and contains general requirements for Federal financial participation under titles IV-E and IV-B of the Social Security Act, as amended.

[48 FR 23114, May 23, 1983]

§ 1355.20 Definitions.

(a) Unless otherwise specified, the following terms as they appear in 45 CFR parts 1355, 1356 and 1357 of this title are defined as follows—

Act means the Social Security Act, as amended.

ACYF means Administration for Children, Youth and Families, Office of

Human Development Services, U.S. Department of Health and Human Services.

Adoption means the method provided by State law which establishes the legal relationship of parent and child between persons who are not so related by birth, with the same mutual rights and obligations that exist between children and their birth parents. This relationship can only be termed “adoption” after the legal process is complete.

Child abuse and neglect means the definition contained in 45 CFR part 1340, Child Abuse and Neglect Prevention and Treatment Program.

Commissioner means the Commissioner for Children, Youth and Families (ACYF), Office of Human Development Services, U.S. Department of Health and Human Services.

Department means the United States Department of Health and Human Services.

Detention facility in the context of the definition of child care institution in section 472(c)(2) of the Act means a physically restricting facility for the care of children who require secure custody pending court adjudication, court disposition, execution of a court order or after commitment.

Foster care means 24 hour substitute care for all children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, family foster homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes regardless of whether the foster care facility is licensed and whether payments are made by the State or local agency for the care of the child or whether there is Federal matching of any payments that are made.

Foster family home means the home of an individual or family licensed or approved by the State licensing or approval authority(ies) (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that provides 24-hour out-of-home care for children. The term may include group homes, agency operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the State agency responsible for approval or licensing of such facilities.

State means the 50 States, the District of Columbia, and except in 45 CFR 1356.65 and 1356.70, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands and American Samoa.

State agency means the State agency administering or supervising the administration of the title IV-E and title IV-B State plans.

(b) Unless otherwise specified, the definitions contained in section 475 of the Act apply to all programs under titles IV-E and IV-B of the Act.

[48 FR 23114, May 23, 1983, as amended at 57 FR 30429, July 9, 1992; 58 FR 67924, Dec. 22, 1993]

§ 1355.21 State plan requirements for titles IV-E and IV-B.

(a) The State plans for titles IV-E and IV-B must provide for safeguards on the use and disclosure of information which meet the requirements contained in section 471(a)(8) of the Act.

(b) The State plans for titles IV-E and IV-B must provide for compliance with the Department's regulations listed in 45 CFR 1355.30.

(c) The State plans and plan amendments for titles IV-E and IV-B must be made available by the State agency for public review and inspection.

[48 FR 23114, May 23, 1983]

§ 1355.30 Other applicable regulations.

The procedures and requirements in the following sections of 45 CFR shall apply to all programs funded under the provisions of these regulations and titles IV-E and IV-B of the Social Security Act (the Act)—

(a) Part 16, Department Grant Appeals Process;

(b) Part 74, Administration of Grants, except that Subpart I, Financial Reporting Requirements, shall not apply. The Commissioner for Children, Youth and Families (the Commissioner), shall provide forms and instructions for financial reporting.

(c) Part 95, General Administration—Grant Programs (Public Assistance and Medical Assistance).

(d) Section 201.5, Grants (except that ACYF shall supply appropriate forms and instructions).

(e) Section 201.6, Withholding/Reduction of FFP. Pursuant to the requirements under § 1355.40 of this part for data collection, the only evidence relevant at hearings under § 201.6 are those matters related to the standards set forth in § 1355.40 and whether there were circumstances beyond the control of the State or its political subdivisions that should be considered by the Secretary.

(f) Section 201.7, Judicial review.

(g) Section 201.15, Deferral.

(h) Section 201.66, Repayment of Federal funds in installments.

(i) Section 204.1, Submittal of State plans for Governor's review.

(j) Section 205.5, Plan amendments.

(k) Section 205.10, Hearings.

(l) Section 205.50, Safeguarding information.

(m) Section 205.100, Single State agency.

(n) Section 205.101, Organization for administration.

(o) Section 205.150, Cost allocation plans.

[47 FR 30925, July 15, 1982, as amended at 58 FR 67924, Dec. 22, 1993]

§ 1355.40 Foster care and adoption data collection.

(a) *Scope of the data collection system.*

(1) Each State which administers or supervises the administration of titles IV-B and IV-E must implement a system that begins to collect data on October 1, 1994. The first transmission must be received in ACF no later than May 15, 1995. The data reporting system must meet the requirements of § 1355.40(b) and electronically report certain data regarding children in foster care and adoption. The foster care